

“बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001.”



पंजीयन क्रमांक  
“छत्तीसगढ़/दुर्गा/09/2013-2015.”

# छत्तीसगढ़ राजपत्र

## प्राधिकार से प्रकाशित

क्रमांक 5 ]

रायपुर, शुक्रवार, दिनांक 29 जनवरी 2021—माघ 9, शक 1942

### विषय—सूची

भाग 1.—(1) राज्य शासन के आदेश, (2) विभाग प्रमुखों के आदेश, (3) उच्च न्यायालय के आदेश और अधिसूचनाएं, (4) राज्य शासन के संकल्प, (5) भारत शासन के आदेश और अधिसूचनाएं, (6) निर्वाचन आयोग, भारत की अधिसूचनाएं, (7) लोक-भाषा परिशिष्ट.

भाग 2.—स्थानीय निकाय की अधिसूचनाएं.

भाग 3.—(1) विज्ञापन और विविध सूचनाएं, (2) सांख्यिकीय सूचनाएं.

भाग 4.—(क) (1) छत्तीसगढ़ विधेयक, (2) प्रवर समिति के प्रतिवेदन, (3) संसद में पुरःस्थापित विधेयक, (ख) (1) अध्यादेश, (2) छत्तीसगढ़ अधिनियम, (3) संसद् के अधिनियम, (ग) (1) प्रारूप नियम, (2) अंतिम नियम.

## भाग १

### राज्य शासन के आदेश

#### सामान्य प्रशासन विभाग

मंत्रालय, महानदी भवन, नवा रायपुर, अटल नगर

नवा रायपुर, अटल नगर दिनांक 11 नवम्बर 2020

क्रमांक ई 1-02/2020/एक-2.—राज्य शासन एतद्वारा श्री गोविंदराम चुरेन्द्र, भा.प्र.से. (2003), आयुक्त, रायपुर संभाग, रायपुर को उनके वर्तमान कर्तव्यों के साथ-साथ आयुक्त, बस्तर संभाग, जगदलपुर का अतिरिक्त प्रभार सौंपता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,  
कमलप्रीत सिंह, सचिव.

**वन विभाग**  
**मंत्रालय, महानदी भवन, नवा रायपुर, अटल नगर**

नवा रायपुर, अटल नगर दिनांक 8 दिसम्बर 2020

क्रमांक एफ 1-01/2020/10-भा.व.से.—राज्य शासन एतद्वारा निम्नलिखित भारतीय वन सेवा अधिकारियों को प्रशासनिक दृष्टिकोण से उनके नाम के समक्ष दर्शाए गए कॉलम क्रमांक-4 अनुसार नवीन पदस्थापना पद पर अस्थाई रूप से आगामी आदेश पर्यन्त पदस्थ करता है :—

क्र. (1)	अधिकारी का नाम (2)	वर्तमान पदस्थापना (3)	नवीन पदस्थापना (4)
1.	श्रीमती संजीता गुप्ता (1997)	मुख्य वन संरक्षक, कार्य आयोजना, रायपुर वृत्त, रायपुर.	मुख्य वन संरक्षक (सत./शिका.) कार्यालय प्रधान मुख्य वन संरक्षक, अरण्य भवन, नवा रायपुर अटल नगर.
2.	श्री अमरनाथ प्रसाद (1998)	मुख्य वन संरक्षक (भू-प्रबंध) कार्यालय प्रधान मुख्य वन संरक्षक, अरण्य भवन, नवा रायपुर अटल नगर.	छ.ग. राज्य लघु वनोपज संघ, नवा रायपुर अटल नगर को सेवाएं प्रतिनियुक्ति सौंपी जाती है.
3.	श्री अनिल सोनी (2000)	मुख्य वन संरक्षक, बिलासपुर वृत्त, बिलासपुर.	मुख्य वन संरक्षक (वन्यप्राणी) एवं क्षेत्र संचालक, अचानकमार टाईगर रिजर्व, बिलासपुर.
4.	श्री राजेश पाण्डेय (2000)	वन संरक्षक, कार्य आयोजना वनमण्डल, रायपुर.	प्रभारी मुख्य वन संरक्षक (वन्यप्राणी) एवं क्षेत्र संचालक, उदंती-सीतानदी टाईगर रिजर्व, रायपुर.
5.	डॉ. सोमा दास (2002)	क्षेत्रीय महाप्रबंधक, छ.ग. राज्य वन विकास निगम लि., नवा रायपुर अटल नगर.	वन संरक्षक, कार्यालय प्रधान मुख्य वन संरक्षक, अरण्य भवन, नवा रायपुर अटल नगर.
6.	श्री फुलजेंस टोप्पो (2002)	वन संरक्षक, कार्य आयोजना, सरगुजा वृत्त अंबिकापुर.	वन संरक्षक, हाथी रिजर्व, सरगुजा.
7.	श्री एस. एस. कंवर (2002)	वन संरक्षक, हाथी रिजर्व, सरगुजा.	कार्यकारी संचालक, छ.ग. राज्य वन विकास निगम लि., नवा रायपुर, अटल नगर.
8.	श्री नावेद शुजाउद्दीन (2004)	वन संरक्षक, कार्यालय प्रधान मुख्य वन संरक्षक, अरण्य भवन, नवा रायपुर अटल नगर.	प्रभारी मुख्य वन संरक्षक, बिलासपुर वृत्त, बिलासपुर.
9.	श्री राजू अगासिमनी (2006)	प्रभारी वन संरक्षक, वन प्रबंधन एवं सूचना प्रणाली वनमण्डल, कार्यालय प्रधान मुख्य वन संरक्षक, अरण्य भवन नवा रायपुर अटल नगर.	प्रभारी क्षेत्रीय महाप्रबंधक, छ.ग. राज्य वन विकास निगम लि., नवा रायपुर अटल नगर.
10.	श्री विश्वेश कुमार (2007)	उप मुख्य कार्यपालन अधिकारी (कैम्पा) कार्यालय प्रधान मुख्य वन संरक्षक, अरण्य भवन, नवा रायपुर अटल नगर.	वनमण्डलाधिकारी, रायपुर वनमण्डल, रायपुर.

(1)	(2)	(3)	(4)
11.	श्री कृष्णराम बढई (2007)	वनमण्डलाधिकारी, दुर्ग वनमण्डल, दुर्ग.	वनमण्डलाधिकारी, बलौदाबाजार वनमण्डल, बलौदाबाजार.
12.	श्री मनोज कुमार पाण्डेय (2007)	वनमण्डलाधिकारी, रायगढ़ वनमण्डल, रायगढ़.	प्रभारी वन संरक्षक, कार्य आयोजना वनमण्डल, बिलासपुर.
13.	श्री आलोक कुमार तिवारी (2007)	वनमण्डलाधिकारी, बलौदाबाजार वनमण्डल, बलौदाबाजार.	उप वन संरक्षक, कार्यालय प्रधान मुख्य वन संरक्षक, अरण्य भवन नवा रायपुर, अटल नगर.
14.	श्री राम अवतार दुबे (2007)	वनमण्डलाधिकारी, खैरागढ़ वनमण्डल, खैरागढ़.	वनमण्डलाधिकारी, मुंगेली वनमण्डल, मुंगेली.
15.	श्री बी. एस. ठाकुर (2007)	वनमण्डलाधिकारी, रायपुर वनमण्डल, रायपुर.	वनमण्डलाधिकारी, केशकाल वनमण्डल, केशकाल.
16.	श्री आर. सी. दुग्गा (2007)	वनमण्डलाधिकारी, मुंगेली वनमण्डल, मुंगेली.	प्रभारी अपर मुख्य कार्यपालन अधिकारी, छ.ग. राज्य वनौषधि पादप बोर्ड, रायपुर.
17.	श्री अमिताभ बाजपेयी (2007)	वनमण्डलाधिकारी, धमतरी वनमण्डल, धमतरी.	उप मुख्य कार्यपालन अधिकारी (कैम्पा) कार्यालय प्रधान मुख्य वन संरक्षक, अरण्य भवन, नवा रायपुर अटल नगर.
18.	श्रीमती सतोविशा समाजदार (2010)	वनमण्डलाधिकारी, बालोद वनमण्डल, बालोद.	वनमण्डलाधिकारी, धमतरी वनमण्डल, धमतरी.
19.	श्रीमती विजया विनोद कुर्रे (2011)	उप संचालक, अचानकमार टायगर रिजर्व, लोरमी.	संचालक, कांगेर घाटी राष्ट्रीय उद्यान, जगदलपुर.
20.	श्री प्रणय मिश्रा (2013)	उप वन संरक्षक, कार्यालय प्रधान मुख्य वन संरक्षक, अरण्य भवन, नवा रायपुर अटल नगर.	वनमण्डलाधिकारी, रायगढ़ वनमण्डल, रायगढ़.
21.	श्री गणवीर धम्मशील (2013)	वनमण्डलाधिकारी, केशकाल वनमण्डल, केशकाल.	वनमण्डलाधिकारी, दुर्ग वनमण्डल, दुर्ग.
22.	श्री पंकज राजपूत (2014)	उप वन संरक्षक, छ.ग. राज्य जैव विविधता बोर्ड, नवा रायपुर अटल नगर.	वनमण्डलाधिकारी, महासमुंद वनमण्डल, महासमुंद.
23.	श्री मयंक पाण्डेय (भा.व.से.)	वनमण्डलाधिकारी, महासमुंद वनमण्डल, महासमुंद.	वनमण्डलाधिकारी, बालोद वनमण्डल, बालोद.
24.	श्री श्रीनिवास तेन्नेटी (भा.व.से.)	उप वन संरक्षक (वन्यप्राणी) कार्यालय प्रधान मुख्य वन संरक्षक (वन्यप्राणी), अरण्य भवन, नवा रायपुर अटल नगर.	उप वन संरक्षक, कार्यालय प्रधान मुख्य वन संरक्षक, अरण्य भवन नवा रायपुर, अटल नगर.
25.	श्री सत्यदेव शर्मा (भा.व.से.)	वनमण्डलाधिकारी, अनुसंधान एवं विस्तार वनमण्डल, बिलासपुर.	उप संचालक, अचानकमार टाईगर रिजर्व, लोरमी.

(1)	(2)	(3)	(4)
26.	श्री संजय यादव (भा.व.से.)	उप वन संरक्षक, छ.ग. राज्य वनौषधि पादप बोर्ड, रायपुर.	वनमण्डलाधिकारी, खैरागढ़ वनमण्डल, खैरागढ़.
27.	श्री अशोक कुमार पटेल (भा.व.से.)	संचालक, कांगेर घाटी राष्ट्रीय उद्यान, जगदलपुर.	वनमण्डलाधिकारी, बीजापुर वनमण्डल, बीजापुर.
28.	श्री जितेन्द्र कुमार उपाध्याय (भा.व.से.)	उप वन संरक्षक, छ.ग. राज्य वन विकास निगम लि., नवा रायपुर अटल नगर.	वनमण्डलाधिकारी, अनुसंधान एवं विस्तार वनमण्डल, बिलासपुर.
29.	श्री जाधव सागर रामचन्द्र (2017)	प्रशिक्षु उप वनमण्डलाधिकारी, दोरनापाल वनमण्डल सुकमा.	संभागीय प्रबंधक, छ.ग. राज्य वन विकास निगम लि., नवा रायपुर अटल नगर.
30.	श्री वरूण जैन (2017)	प्रशिक्षु उप वनमण्डलाधिकारी, फरसगांव वनमण्डल केशकाल.	उप वन संरक्षक, वन प्रबंधन सूचना प्रणाली वनमण्डल, अरण्य भवन, नवा रायपुर अटल नगर.
31.	श्री सौरभ सिंह ठाकुर (2017)	प्रशिक्षु उप वनमण्डलाधिकारी, राजनांदागांव वनमण्डल, राजनांदागांव.	वनमण्डलाधिकारी, अनुसंधान एवं विस्तार वनमण्डल, जगदलपुर.
32.	श्री शशिगानन्दन के. (2017)	प्रशिक्षु उप वनमण्डलाधिकारी, देवभोग वनमण्डल गरियाबंद.	संभागीय प्रबंधक, छ.ग. राज्य वन विकास निगम लि., नवा रायपुर अटल नगर.
33.	श्री अभिषेक जोगावत (2017)	प्रशिक्षु उप वनमण्डलाधिकारी, कुनकुरी वनमण्डल, जशपुर.	संभागीय प्रबंधक, छ.ग. राज्य वन विकास निगम लि., नवा रायपुर अटल नगर.
34.	श्री एन.आर. खुटे (स.व.सं.)	उप वनमण्डलाधिकारी, पश्चिम कोण्डागांव वनमण्डल दक्षिण कोण्डागांव.	प्रभारी वनमण्डलाधिकारी, नारायणपुर वनमण्डल, नारायणपुर.
35.	श्री डी.के. मेहर (स.व.सं.)	उप वनमण्डलाधिकारी, सामाजिक वानिकी वनमण्डल, जगदलपुर.	प्रभारी उप संचालक, इंद्रावती टाईगर रिजर्व, बीजापुर.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,  
के. एल. चौहान, संयुक्त सचिव.

### आवास एवं पर्यावरण विभाग मंत्रालय, महानदी भवन, नवा रायपुर, अटल नगर

नवा रायपुर, अटल नगर दिनांक 11 दिसम्बर 2020

क्रमांक एफ 1-12/2019/32.—छत्तीसगढ़ शासन, सामान्य प्रशासन के आदेश क्रमांक ई-1-02/2020/एक-2 दिनांक 30-11-2020 द्वारा श्री सुब्रत साहू भा.प्र.से. (1992), अपर मुख्य सचिव को आवास एवं पर्यावरण विभाग एवं अध्यक्ष, छत्तीसगढ़ पर्यावरण संरक्षण मंडल का अतिरिक्त प्रभार सौंपा गया है.

2. सामान्य प्रशासन विभाग के उपरोक्त आदेश के परिपेक्ष्य में श्री सुब्रत साहू, अपर मुख्य सचिव, आवास एवं पर्यावरण विभाग को कार्यभार ग्रहण करने के दिनांक से अध्यक्ष, छत्तीसगढ़ पर्यावरण संरक्षण मंडल के पद पर पदस्थ किया जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,  
सी. तिकी, उप-सचिव.

**राजस्व विभाग**

कार्यालय, कलेक्टर, जिला कोरबा, छत्तीसगढ़ एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व एवं आपदा प्रबंधन विभाग

कोरबा, दिनांक 12 नवम्बर 2020

**प्रारूप-एक**  
(नियम 11 देखिये)

क्रमांक/15076/भू-अर्जन/2020.—भूमि-अर्जन, पुनर्वासन एवं पुनर्व्यवस्थापन में उचित प्रतिकर तथा पारदर्शिता का अधिकार अधिनियम, 2013 की धारा 4 सहपठित नियम 7 के अंतर्गत नीचे अनुसूची में उल्लेखित भूमि का अर्जन लोक प्रयोजन हेतु राज्य सरकार द्वारा आशयित है, अर्थात् :—

जिला (1)	तहसील (2)	ग्राम/नगर (3)	क्षेत्रफल (4)	लोक प्रयोजन का विवरण (5)
कोरबा	पोंडी उपरोड़ा	गुरसिया	1.813 हेक्टेयर	गुरसिया-सलिहाभांठा पहुंच मार्ग में अधिग्रहित भूमि में सड़क के निर्माण हेतु.

उपरोक्त उल्लेखित भूमि के अर्जन हेतु सामाजिक समाघात निर्धारण के अध्ययन हेतु जन सुनवाई दिनांक 14-12-2020 को समय 12.00 बजे से स्थान ग्राम पंचायत भवन, गुरसिया में नियत की गई है. प्रस्तावित भूमि अर्जन का अन्य विवरण निम्नानुसार है :—

1.	लोक प्रयोजन का संक्षिप्त विवरण	—	गुरसिया-सलिहाभांठा पहुंच मार्ग पर पक्की सड़क निर्माण के लिये अर्जित होने पर.
2.	प्रत्यक्ष रूप से प्रभावित परिवारों की संख्या	—	18 परिवार
3.	अप्रत्यक्ष रूप से प्रभावित परिवारों की संख्या	—	18 परिवार
4.	प्रभावित क्षेत्र में निजी मकानों तथा अन्य परिसम्पत्तियों—की अनुमानित संख्या.	—	निरंक
5.	प्रभावित क्षेत्रों में शासकीय मकानों तथा अन्य परिसम्पत्तियों की अनुमानित संख्या.	—	निरंक
6.	क्या प्रस्तावित अर्जन न्यूनतम है ?	—	हां
7.	क्या संभव विकल्पों और इसकी साध्यता पर विचार कर लिया गया है ?	—	हां
8.	परियोजना की कुल लागत	—	रु. लाख
9.	परियोजना से होने वाले लाभ	—	सड़क के निर्माण में अर्जित की जाने वाली भूमि पूर्व में अर्जित हो चुकी है. सड़क निर्माण से आवागमन की सुविधा सुगम हुई है.
10.	प्रस्तावित सामाजिक समाघात की प्रतिपूर्ति के लिये उपाय तथा उस पर होने वाला संभावित व्यय.	—	प्रस्तावित सामाजिक समाघात की प्रतिपूर्ति के लिए आवेदित संस्था के द्वारा संभावित व्यय का प्रावधान किया गया है.
11.	परियोजना द्वारा प्रभावित होने वाले अन्य घटक	—	निरंक

उपरोक्त भूमि अर्जन के संबंध में किसी व्यक्ति/संस्था या अन्य किसी व्यक्ति को कोई जानकारी/सुझाव देना हो, तो विहित तिथि/समय एवं स्थान पर दी जा सकेगी.

कोरबा, दिनांक 17 नवम्बर 2020

**प्रारूप-एक**  
(नियम 11 देखिये)

क्रमांक/15174/भू-अर्जन/2020.—भूमि-अर्जन, पुनर्वासन एवं पुनर्व्यवस्थापन में उचित प्रतिकर तथा पारदर्शिता का अधिकार अधिनियम, 2013 की धारा 4 सहपठित नियम 7 के अंतर्गत नीचे अनुसूची में उल्लेखित भूमि का अर्जन लोक प्रयोजन हेतु राज्य सरकार द्वारा आशयित है, अर्थात् :—

जिला (1)	तहसील (2)	ग्राम/नगर (3)	क्षेत्रफल (4)	लोक प्रयोजन का विवरण (5)
कोरबा	पोंड़ी उपरोड़ा	दमऊकुण्डा	0.751 हेक्टेयर	गुरसिया-सलिहाभांठा पहुँच मार्ग में अधिग्रहित भूमि में सड़क के निर्माण हेतु.

उपरोक्त उल्लेखित भूमि के अर्जन हेतु सामाजिक समाघात निर्धारण के अध्ययन हेतु जन सुनवाई दिनांक 21-12-2020 को समय 12.00 बजे से स्थान ग्राम पंचायत भवन मानिकपुर में नियत की गई है. प्रस्तावित भूमि अर्जन का अन्य विवरण निम्नानुसार है :—

1.	लोक प्रयोजन का संक्षिप्त विवरण	—	गुरसिया-सलिहाभांठा पहुँच मार्ग पर पक्की सड़क निर्माण के लिये अर्जित होने पर.
2.	प्रत्यक्ष रूप से प्रभावित परिवारों की संख्या	—	23 परिवार
3.	अप्रत्यक्ष रूप से प्रभावित परिवारों की संख्या	—	23 परिवार
4.	प्रभावित क्षेत्र में निजी मकानों तथा अन्य परिसम्पत्तियों—की अनुमानित संख्या.	—	निरंक
5.	प्रभावित क्षेत्रों में शासकीय मकानों तथा अन्य परिसम्पत्तियों की अनुमानित संख्या.	—	निरंक
6.	क्या प्रस्तावित अर्जन न्यूनतम है ?	—	हां
7.	क्या संभव विकल्पों और इसकी साध्यता पर विचार कर लिया गया है ?	—	हां
8.	परियोजना की कुल लागत	—	रु. लाख
9.	परियोजना से होने वाले लाभ	—	सड़क के निर्माण में अर्जित की जाने वाली भूमि पूर्व में अर्जित हो चुकी है. सड़क निर्माण से आवागमन की सुविधा सुगम हुई है.
10.	प्रस्तावित सामाजिक समाघात की प्रतिपूर्ति के लिये उपाय तथा उस पर होने वाला संभावित व्यय.	—	प्रस्तावित सामाजिक समाघात की प्रतिपूर्ति के लिए आवेदित संस्था के द्वारा संभावित व्यय का प्रावधान किया गया है.
11.	परियोजना द्वारा प्रभावित होने वाले अन्य घटक	—	निरंक

उपरोक्त भूमि अर्जन के संबंध में किसी व्यक्ति/संस्था या अन्य किसी व्यक्ति को कोई जानकारी/सुझाव देना हो, तो विहित तिथि/समय एवं स्थान पर दी जा सकेगी.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,  
**किरण कौशल**, कलेक्टर एवं पदेन उप-सचिव.

**कार्यालय, कलेक्टर, जिला जांजगीर-चांपा (छत्तीसगढ़), एवं पदेन उप-सचिव, छत्तीसगढ़ शासन, राजस्व एवं आपदा प्रबंधन विभाग**

जांजगीर-चांपा, दिनांक 29 फरवरी 2020

क्रमांक/2965/अ-82/2018-19.—चूंकि राज्य शासन को यह प्रतीत होता है कि इससे संलग्न अनुसूची के खाने (1) से (4) में वर्णित भूमि की अनुसूची के खाने (6) में उसके सामने दिये गये सार्वजनिक प्रयोजन के लिये आवश्यकता है अथवा आवश्यकता पड़ने की संभावना है. अतः भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम 2013 कहा जायेगा) की धारा 11 की उप-धारा (1) के उपबंधों के अनुसार सभी संबंधित व्यक्तियों को इसके द्वारा इस आशय की सूचना दी जाती है कि राज्य शासन एतद्द्वारा अनुसूची के खाने (5) में उल्लेखित प्राधिकारी को उक्त भूमि के संबंध में धारा 12 के अंतर्गत दी गयी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है :—

**अनुसूची**

भूमि का वर्णन				धारा 12 के द्वारा प्राधिकृत अधिकारी	सार्वजनिक प्रयोजन का वर्णन
जिला	तहसील	नगर/ग्राम	लगभग क्षेत्रफल (हेक्टेयर में)		
(1)	(2)	(3)	(4)	(5)	(6)
जांजगीर-चांपा	डभरा	साराडीह/ प.ह.नं. 29	0.282	कार्यपालन अभियंता, जल संसाधन सर्वेक्षण बैरॉज निर्माण संभाग क्र.-1 खरसिया.	साराडीह बैरॉज के बांयी तट अप्रोच ब्रिज निर्माण हेतु.

भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी (राजस्व), डभरा के कार्यालय में किया जा सकता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,  
**जे. पी. पाठक**, कलेक्टर एवं पदेन उप-सचिव.

**कार्यालय, कलेक्टर, जिला कोरबा, छत्तीसगढ़ एवं पदेन उप सचिव, छत्तीसगढ़ शासन, राजस्व एवं आपदा प्रबंधन विभाग**

कोरबा, दिनांक 31 अगस्त 2020

क्रमांक/12497/भू-अर्जन/01 अ 82/2018-19.—चूंकि राज्य शासन को इस बात का समाधान हो गया है कि नीचे दी गई अनुसूची के पद (1) में वर्णित भूमि की अनुसूची के पद (2) में उल्लेखित सार्वजनिक प्रयोजन के लिए आवश्यकता है. अतः भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (जिसे एतद् पश्चात् अधिनियम, 2013 कहा जायेगा) की धारा 19 के अन्तर्गत इसके द्वारा यह घोषित किया जाता है कि उक्त भूमि की उक्त प्रयोजन के लिए आवश्यकता है :—

**अनुसूची**

- (1) भूमि का वर्णन—  
(क) जिला-कोरबा  
(ख) तहसील-कोरबा  
(ग) नगर/ग्राम-उरगा, प.ह.नं. 16  
(घ) लगभग क्षेत्रफल-0.832 हेक्टेयर

खसरा नम्बर	रकबा (हेक्टेयर में)
(1)	(2)
424/4	0.016
427/1	0.028
427/2, 427/3	0.012

(1)	(2)	(1)	(2)
429/1	0.020	427/6, 427/7	0.012
429/4	0.012	432/8ट	0.032
436/1	0.016	432/17	0.028
434, 436/4	0.085	432/1, 432/8त्र	0.030
433/2	0.008	427/4	0.004
432/15	0.022	451/11	0.006
432/9	0.028	233/1	0.150
433/3	0.008	430/1	0.006
432/6	0.020	योग	0.832
226/1	0.014		
435/13	0.006	(2) सार्वजनिक प्रयोजन जिसके लिए आवश्यकता है-चाम्पा-गेवरा	
435/7	0.185	रेलमार्ग (उरगा के पास) रेल्वे ओव्हर ब्रिज के पहुँच मार्ग	
430/7	0.008	निर्माण हेतु.	
430/8, 451/4	0.020	(3) भूमि का नक्शा (प्लान) का निरीक्षण अनुविभागीय अधिकारी	
451/6	0.008	(राजस्व), कोरबा के कार्यालय में किया जा सकता है.	
453/5	0.008		
453/1	0.024	छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,	
452/2	0.016	किरण कौशल, कलेक्टर एवं पदेन उप-सचिव.	

## विभाग प्रमुखों के आदेश

### संचालनालय, स्थानीय निधि संपरीक्षा

ब्लाक-1, द्वितीय तल, इंद्रावती भवन, नवा रायपुर अटल नगर, छत्तीसगढ़

नवा रायपुर, दिनांक 8 जनवरी 2021

क्रमांक/एल.एफ.ए./प्रशा./292/2020/65.—छत्तीसगढ़ स्थानीय निधि संपरीक्षा अधीनस्थ लेखा सेवा परीक्षा नियम 1961 में उल्लेखित प्रावधान अनुसार अधिसूचित किया जाता है कि छत्तीसगढ़ स्थानीय निधि संपरीक्षा अधीनस्थ लेखा सेवा परीक्षा भाग-एक एवं भाग-दो नीचे लिखित अनुसार दिनांक 16-02-2021 से 20-02-2021 तक होगी :—

### भाग-एक

क्र. (1)	प्रश्न पत्र (2)	दिनांक (3)	दिन (4)	विषय (5)	समय (6)
1.	प्रथम	16-02-2021	मंगलवार	संक्षेपिका तथा प्रारूप (पुस्तक रहित)	3.00 घंटे प्रातः 11.00 से 2.00 बजे
2.	द्वितीय	17-02-2021	बुधवार	मूलभूत नियम, सिविल लेखा विनियम इत्यादि (पुस्तक सहित)	2.30 घंटे प्रातः 11.00 से 1.30 बजे
3.	तृतीय	18-02-2021	गुरुवार	लेखा परीक्षा तथा लेखा संहिताएं (पुस्तक सहित)	2.30 घंटे प्रातः 11.00 से 1.30 बजे



(1)	(2)	(3)	(4)	(5)	(6)
4.	चतुर्थ-अ	19-02-2021	शुक्रवार	संचालक स्थानीय निधि लेखा की लेखा परीक्षा तथा निरीक्षण के अधीन लेखाओं की लेखा परीक्षा तथा निरीक्षण हेतु नियम तथा विनियम (सैद्धांतिक) (पुस्तक रहित)	1.30 घंटे प्रातः 11.00 से 12.30 बजे
5.	चतुर्थ-ब	20-02-2021	शनिवार	संचालक स्थानीय निधि लेखा की लेखा परीक्षा तथा निरीक्षण के अधीन लेखाओं की लेखा परीक्षा तथा निरीक्षण हेतु नियम तथा विनियम (व्यावहारिक) (पुस्तक सहित)	2.30 घंटे प्रातः 11.00 से 1.30 बजे

## भाग-दो

1.	प्रथम-अ	16-02-2021	मंगलवार	विधान मण्डल के अधिनियम तथा सांविधिक नियम (सैद्धांतिक) (पुस्तक रहित)	1.30 घंटे दोपहर 11.00 से 12.30 बजे
2.	प्रथम-ब	17-02-2021	बुधवार	विधान मण्डल के अधिनियम तथा सांविधिक नियम (व्यावहारिक) (पुस्तक सहित)	2.30 घंटे दोपहर 11.00 से 01.30 बजे
3.	द्वितीय	18-02-2021	गुरुवार	भारत का संविधान (पुस्तक सहित)	3 घंटे दोपहर 11.00 से 02.00 बजे
4.	तृतीय	19-02-2021	शुक्रवार	वाणिज्यिक बहीखाता (पुस्तक रहित)	2 घंटे दोपहर 11.00 से 01.00 बजे
5.	चतुर्थ	20-02-2021	शनिवार	स्थानीय नियम तथा लोक निर्माण कार्य लेखा संहिता (पुस्तक सहित)	2.30 घंटे 11.00 से 01.30 बजे

हस्ता./-  
संचालक.

## छत्तीसगढ़ राज्य सहकारी अधिकरण, बिलासपुर

बिलासपुर, दिनांक 4 नवम्बर 2020

क्रमांक/2020/241.—छत्तीसगढ़ सहकारी सोसायटी अधिनियम 1960 (क्रमांक 17 सन् 1961) की धारा 77 की उपधारा (12) सहपठित छत्तीसगढ़ सहकारी सोसायटी नियम 1962 के नियम 59-क के उपनियम (5) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, छत्तीसगढ़ राज्य सहकारी अधिकरण की अधिसूचना क्रमांक 131 दिनांक 25 अप्रैल 2016 के द्वारा छत्तीसगढ़ राज्य सहकारी अधिकरण विनियम, 2016 विरचित किया है, छत्तीसगढ़ राज्य सहकारी अधिकरण विनियम के अध्याय (दो) में, विनियम (3) के उपबंधों के अनुसार, छत्तीसगढ़ राज्य सहकारी अधिकरण, एतद्वारा यह घोषणा करता है कि कोरोना महामारी (कोवीड-19) की वर्तमान परिस्थिति एवं न्यायालय के सामान्य संचालन के लिये यह आवश्यक हो गया है कि छत्तीसगढ़ राज्य सहकारी अधिकरण बिलासपुर का सामान्य संचालन दिनांक 17-11-2020 से

प्रारंभ किया जावेगा तथा कैम्प कोर्ट छत्तीसगढ़ राज्य सहकारी अधिकरण की श्रृंखला न्यायालय (कैम्प कोर्ट) रायपुर का आयोजन माह नवम्बर 2020 से प्रत्येक माह में द्वितीय और तृतीय सप्ताह के वृहस्पतिवार एवं शुक्रवार को किया जावेगा. तत्पश्चात् निरंतर प्रकरणों पर सुनवाई माह के शेष अवधि में अधिकरण के मुख्यालय बिलासपुर में सामान्य स्थिति की बहाली/आगामी अधिसूचना जारी होने तक की जावेगी.

No./2020/241.—In exercise of the powers conferred by sub-section 12 of Section 77 of the Chhattisgarh Cooperative society Act, 1960 (No. 17 of 1961) read with sub-rule (5) of Rules 59-A of the Chhattisgarh Cooperative Societies Rules 1962, the Chhattisgarh State Cooperative Tribunal, has made Chhattisgarh State Cooperative Tribunal Regulation 2016 vide notification No 131 dated 25th April 2016, as per provisions of regulation 3, in chapter two (II) of the Chhattisgarh State Cooperative Tribunal Regulation 2016, it is Hereby declare that in the present Scenario of Corona (Covid 19) and Narmal functioning of court. It is required to start narmal functioning of Chhattisgarh State Cooperative Tribunal, Bilaspur will be started narmal functioning Form Dated 17-11-2020. The camp court of Chhattisgarh State Cooperative Tribunal Raipur will be conducted in the second and third week from November 2020 on Thursday and Friday of every month. Thereafter the regular hearing of the cases of rest of the months will be conducted at the tribunal head office Bilaspur till restoration of normalcy/further notification accordingly.

आदेशानुसार,  
एन. कुजूर, रजिस्ट्रार.

### कार्यालय, जिला व्यापार एवं उद्योग केन्द्र, राजनांदगांव

राजनांदगांव, दिनांक 4 दिसम्बर 2020

क्रमांक/जिव्याउके-राज/स्थापना/2020/4392.—संचालक उद्योग, उद्योग संचालनालय छ.ग., रायपुर का आदेश क्रमांक 30/स्था./2016/916, रायपुर, दिनांक 28-11-2020 के परिपालन में मेरे द्वारा दिनांक 30-11-2020 को अपरान्ह में महाप्रबंधक, जिला व्यापार एवं उद्योग केन्द्र, राजनांदगांव का कार्यभार ग्रहण किया गया.

स्वतंत्र कुमार सिंह,  
महाप्रबंधक.

### छत्तीसगढ़ राज्य सूचना आयोग

नार्थ ब्लॉक, सेक्टर-19, नवा रायपुर अटल नगर, जिला रायपुर (छ.ग.)

नवा रायपुर, अटल नगर, दिनांक 7 दिसम्बर 2020

क्रमांक 1784/स्था./छगरासूआ/2020.—मुख्य सूचना आयुक्त, छत्तीसगढ़ राज्य सूचना आयोग की अध्यक्षता में आयोजित पदोन्नति समिति की बैठक दिनांक 05-12-2020 को समिति की अनुशंसा के आधार पर श्री अतुल कुमार वर्मा, सहायक ग्रेड-1 को उपयुक्त पाए जाने पर उनको वेतन मैट्रिक्स लेवल-10 (43200-136500) में पदोन्नत करते हुए आयोग में रिक्त अनुभाग अधिकारी के पद पर पदस्थ किया जाता है.

2. पदोन्नत कर्मचारी को आदेश जारी होने के दिनांक से 15 दिन के भीतर पद ग्रहण करना आवश्यक होगा अन्यथा आदेश स्वमेव निरस्त माना जाएगा.

3. वेतन निर्धारण हेतु नियमानुसार विकल्प पदोन्नति आदेश की तिथि से एक माह के भीतर देना होगा. इस प्रकार दिया गया विकल्प अन्तिम माना जाएगा. निर्धारित समय के भीतर विकल्प प्राप्त नहीं होने पर नियमों के अंतर्गत वेतन निर्धारण कर दिया जाएगा.

4. यह आदेश माननीय उच्च न्यायालय छत्तीसगढ़ बिलासपुर में विचाराधीन रिट पीटिशन क्रमांक डब्ल्यू.पी.एस. 1811/2019 में माननीय उच्च न्यायालय के पारित आदेश के अध्याधीन होगा.

आई. आर. देहारी,  
सचिव.

**कार्यालय मुख्य निर्वाचन पदाधिकारी, छत्तीसगढ़**  
**शास्त्री चौक, पुराना मंत्रालय परिसर, रायपुर**

रायपुर, दिनांक 29 दिसम्बर 2020

फा.क्र-18/03/निर्वाचन याचिका/2018/3624.— भारत निर्वाचन आयोग, नई दिल्ली द्वारा जारी अधिसूचना संख्या 82/छ.ग.-लो.स./ (04/2019)/2020 दिनांक 14 दिसंबर, 2020: लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग एतद्वारा निर्वाचन अर्जी संख्या-04/2019 में दिए गए उच्च न्यायालय, छत्तीसगढ़ बिलासपुर के तारीख 10 जनवरी, 2020 के आदेश को राज्य के शासकीय राजपत्र में सर्वसाधारण की जानकारी हेतु प्रकाशित किया जाता है।

( के. सी. देवसेनापति )  
 अतिरिक्त मुख्य निर्वाचन पदाधिकारी.

**भारत निर्वाचन आयोग**  
**निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001**

नई दिल्ली, तारीख 14 दिसम्बर, 2020—23 अग्रहायण, 1942 ( शक )

सं. 82/छ.ग.-वि.स./ (04/2019)/2020.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग एतद्वारा निर्वाचन अर्जी सं. 04/2019 में दिये गये उच्च न्यायालय, छत्तीसगढ़, बिलासपुर के तारीख 10 जनवरी, 2020 के आदेश को प्रकाशित करता है।

HIGH COURT OF CHHATTISGARH, BILASPUR

**Election Petition No. 4 of 2019**  
 (Judgment delivered on 10-01-2020)

Goutam Buddha Agrawal, S/o. Late Shri Ram Krishna Agrawal, Aged About 70 Years, Occupation-Civil Court Stamp Vendor, Raipur, R/o. Purani Basti, Baniya Para, Raipur, Tahsil And District Raipur Chhattisgarh.

-----Petitioner

**VERSUS**

1. Satyanarayan Sharma. S/o. Late Shri Jagdish Prasad Sharma, Aged About 75 years. R/o. Anand Niketan, Avanti Vihar Raipur, District Raipur Chhattisgarh. (Indian Nationalcongress Candidate)
2. Nand Kumar Sahu@ Nande Bhaiyya, S/o. Late Shri Manglu Sahu, Aged About 59 Years. R/o. Village Boriyakala, Post Sejbahar, District Raipur Chhattisgarh. (Bhartiya Janta Party Candidate)
3. Dr. Omprakash Dewangan, R/o. In Front Of Adwani School, Birgaon, Raipur, District Raipur Chhattisgarh Pin 49221. (Janata Congress Chhattisgarh (J) Candidate)
4. Narendra Kumar Baghel, S/o. Shri Chaitram Baghel, Aged About 37 Years. R/o. House No. 99, Village Bhatgaon Post Mana Basti, Raipur Chhattisgarh. (Independent Candidate)
5. Pitamber Jangde, S/o Shri Khorbahra, Aged About 42 Years, R/o. Etwari Bazar Chowk Birgaon, District Raipur Chhattisgarh. (Independent Candidate)
6. Dr. Sanket Thakur, S/o. Late Shri Vishvendra Thakur, Aged About 54 Years, R/o. House No. B-32, Shriram Vihar, Purena, District Raipur Chhattisgarh. (Aam Admi Party (Aap) Candidate)

7. Gendlal Dadsena, Aged About 50 Years, R/o. House No. 1061/28, Sector-1, In Front Of Extension P-27 Avanti Vihar, Raipur Chhattisgarh. (Independent Candidate)
8. Chandrakant Bhai Solanki, S/o Late Shri Rama Bhai Solanki, Aged About 51 Years R/o. K-21, Steel City, Avanti Vihar, Raipur Chhattisgarh. Pin 492006. (Independent)
9. Sandeep Yadu, R/o. Village And Police Station Mujgahan, Raipur, District Raipur Chhattisgarh. (Independent Candidate)
10. Baldev Prakash Dwiwedi, S/o Shri Tara Prasad Dwivedi, Aged About 36 Years, R/o. Bharkapara, Tatibandh, Raipur, Tahsil and District Raipur Chhattisgarh. (Independent Candidate)
11. Budharu Ram Banjare @ B. R. Banjare, S/o Shri Dhanauram Banjare, Aged About 66 Years, R/o. T-56, Sector-5, Extension, Avanti Vihar, Telibandha, Raipur, Tahsil And District Raipur Chhattisgarh. (Independent Candidate)
12. Motiram Verma, S/o. Shri Bhishma Lal, Aged About 54 Years, R/o. Ward No. 10 Banjari Nagar, Birgaon, District Raipur Chhattisgarh. (Independent Candidate)
13. Banmali Chhura, S/o Shri Chitaru Chhura, Aged About 36 Years, R/o. House No. 668, Village Purena, Tahsil And District Raipur Chhattisgarh. (Bhartiya Bahujan Party Candidate)
14. Fulraj Verma. S/o. Shri Bhadu Verma, Aged About 42 Years, R/o. House No. 183/K, Ward No. 5, Village Kalkasa, Tahsil Dongargarh, District Rajnandgaon Chhattisgarh. (Bhartiya Bahujan Congress Candidate).
15. Krishna Murari Yadav, S/o. Shri Horilal Yadav. Aged About 44 Years. R/o. Tillu Chowk, Purani Basti, Near Sub Post Office Raipur Chhattisgarh. (Independent Candidate)
16. Satyanarayan Sonwani, S/o, Shri Aghar Das, Aged about 72 Years, Harinbhata, Post Bansa, Police Station And Tahsil Simga, District Balaudabazar-Bhatapara Chhattisgarh. (Independent Candidate)
17. Lakhmuram Tandan, S/o. Shri Panchram Tandan, Aged About 43 Years, R/o. Dr. Ambedkar Ward, Kondagaon, District Kondagaon. (Rashtriya Jansabha Party Candidate)
18. Rajendra Kumar Sahu, S/o Late Shri Kuleshwar Sahu, Aged About 50 Years, R/o. Vaman Rao Lakhe, Ward No. 64, Near malasay Talab, Piyush Nagar, Kushalpur, Tahsil And Distrit Raipur Chhattisgarh. (Independent Candidate)
19. Mohd. Usman Sheikh, S/o Mohd. Israeel, Aged About 55 Years, R/o. Jogi Nagar, Tarun Bazar Behind Dr. Narada Sahu, (Mathpuraina), Raipur, District Raipur Chhattisgarh. (Independent Candidate)
20. Mohd. Aurangzeb, S/o Haider Ali, Aged About 31 Years, R/o. Gazinagar, Near Toran Kirana Store Birgaon, Raipur, District Raipur Chhattisgarh. (Independent Candidate)
21. Mangalchand Ghritlehre, S/o Shri Thukuram Ghritlehre, Aged About 55 Years, R/o. Mana Camp, Raipur, District Raipur Chhattisgarh. (Republic Party Of India (A) Candidate)
22. Smt. Shamim Khan, W/o. Abdul Riyaz Khan, Aged About 42 Years, R/o. Ward No. 04, Bazar Chowk, Bhanpuri, Raipur Chhattisgarh. 492008. (Bhartiya Lokmat Rashtrawadi Party Candidate)
23. (Deleted) As Per Court Order Dated 25-02-2019 & 07-03-2019.
24. (Deleted) As Per Court Order Dated 25-02-2019 & 07-03-2019.
25. (Deleted) As per Court Order Dated 25-02-2019 & 07-03-2019.

-----Respondents

For Petitioner	:	Mr. Lavkush Kumar Sahu, Advocate
For Respondent No. 1	:	Dr. N. K. Shukla, Sr. Advocate with Mr. Manish Sharma & Mr. Priyankesh Chandrakar, Advocate.

**Hon'ble Shri Justice Goutam Bhaduri****C.A.V. Judgment****10-01-2020**

1. This order will govern the disposal of the application filed under Order 7 Rule 11 CPC seeking dismissal of the election petition filed by the respondent/returned candidate.
2. As per the pleading made, on 02-11-2018, the petitioner submitted nomination form before the Returning Officer for the Legislative Assembly Constituency No. 48 Raipur Rural. The pleading further is that after perusal of the documents submitted by the petitioner the returning officer intimated the petitioner that one of the proposer of the petitioner is not the voter of the assembly constituency and directed the petitioner to remove the defect within a stipulated time. The petitioner Could not remove the said deficiency, in a result, the returning officer rejected the nomination form for want of proper number of proposer. It is pleaded that the return candidate/respondent No. 1 Satya Narayan Sharma was a candidate of Indian National Congress submitted his nomination form on 31-10-2018. On 03-11-2018 the scrutiny of the nomination form was made and certain objections were raised by the petitioner about wrong discloser of certain averments in the nomination form by the return candidate however those objections were eventually rejected. It is contended by the petitioner that while rejecting the nomination form of the petitioner, the returning officer was hand in gloves with respondent No. 1/the return candidate. Therefore, undue favour was made to the return candidate. by accepting his nomination form. It is admitted fact that the respondent No. 1 was declared as returned candidate of Raipur Rural. The petitioner contended that the election of the returned candidate cannot be said to be a valid and legal election for the reason that his nomination papers were wrongly accepted. therefore, the same is sought to be canceled. The prayer is made that the acceptance of the nomination paper filed by respondent No. 1 was improper and illegal, therefore, consequently, the election would be void.
3. After notice an application has been filed by returned candidate under Order 7 Rule 11 CPC. The primary objection is made that the petitioner is not the voter of constituency number 48 of Raipur Rural. It is further contended that the nomination paper of petitioner was rejected during the scrutiny. therefore, he cannot be deemed to be the candidate in the election in a result he has no locus standi to file the election petition. It is further stated in application under Order 7 Rule 11 of CPC that the nomination papers were filed by the petitioner knowing full well that one of his proposer is not the voter of constituency and when the returning officer had asked to rectify the same. the same was deliberately not done and therefore. the nomination papers were rejected for the reason that very filing of nomination paper by the petitioner was erroneous at it's inception. It is further stated by the respondent since the petitioner himself did not remove the defect despite time given to him, the petitioner cannot maintain the election petition for want of locus standi. It is further submitted that the objection raised by the petitioner as against the nomination papers of the respondent/returned candidate, no substantial grounds were raised which requires any adjudication and predominantly/election petition is not tenable for want of locus standi of the petitioner.
4. Learned counsel for the respondent No. 1 would submit that Section 81 of the Representation of peoples Act, 1951 (for short 'the Act, 1951') the election petition is maintainable by a candidate or an elector, the petitioner is neither was a candidate as his nomination papers were rejected at the threshold and despite being asked to cure this defect the petitioner did not do it. Referring to Section 33 of the Act, 1951, it is stated that the petitioner was not set up by a recognized political party, therefore, the nomination papers were required to be subscribed by 10 proposers being the electors of the said constituency. Since one of the electors of the proposer was not of the constituency and the nomination having been rejected on the same ground, the petitioner cannot said to have the locus standi to maintain the election petition. Referring to Section 36 of the Act, 1951, counsel would submit that during the scrutiny of the nomination the defect of subscribe by 10 electors to the nomination papers of the petitioner was found and one elector since was not an elector, therefore, the returning officer in exercise of Section 36(2) (b) of the Act, 1951 has rejected the nomination papers. It is submitted that the petitioner has challenged the acceptance of nomination papers of returned candidate but has not challenged the rejection of his nomination papers, therefore, he has no locus standi. Further reliance is placed to the case of AIR 2007 SC 2924 & AIR 2011 SC 2634 and it is submitted that no pleading has been made that the returning officer has wrongly rejected the nomination paper of the petitioner, therefore, the petitioner has no cause of action to maintain the petition.

5. Per contra, learned counsel for the petitioner would place his reliance in the case of 2018 (14) SCC 1 and would submit that the acceptance of the nomination paper is wrong and it would be deemed to have materially affected the election results and the election petition has to be read as a whole. Consequently, the application under Order 7 Rule 11 CPC is liable to be dismissed.
6. Heard learned counsel for the parties, perused the pleadings made in the petition.
7. The averments of the petition are that the petitioner filed his nomination papers as an independent candidate. Section 33 of the Act, 1951 governs the presentation of nomination paper and requirements for a valid nomination. The initial three proviso, which are relevant to the case along with Section 33 are reproduced herein.

**“[33. Presentation of nomination paper and requirements for a valid nomination :—**

- (1) On or before the date appointed under clause (a) of section 30 each candidate shall, either in person or by his proposer, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon deliver to the returning officer at the place specified in this behalf in the notice issued under section 31 a nomination paper completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer :

Provided that a candidate not set up by a recognised political party, shall not be deemed to be duly nominated for election from a constituency unless the nomination paper is subscribed by ten proposers being electors of the constituency:

Provided further that no nomination paper shall be delivered to the returning officer on a day which is a public holiday:

Provided also that in the case of a local authorities constituency, graduates constituency or teachers constituency, the reference to “an elector of the constituency as proposer” shall be construed as a reference to ten percent of the electors of the constituency or ten such electors, whichever is less, as proposers.]”

8. Since, the petitioner pleaded that he was an independent candidate. therefore, as per the requirement of first proviso to Section 33 of the Act, 1951, the nomination paper was required to be subscribed by ten proposers being electors of the constituency. The word ‘elector’ has been defined under sub-section (e) of Section 2 of the Act, 1951, which reads as under:

“2(e) “elector” in relation to a constituency means a person whose name is entered in the electoral roll of that constituency for the time being in force and who is not subject to any of the disqualification mentioned in section 16 of the Representation of the People Act, 1950 (43 of 1950)”

9. It is the case of the petitioner that his nomination paper was rejected on the ground that one of the proposer was not elector/voter of the Assembly constituency No. 48. Since the petitioner could not remove the said defect within the time prescribed, his nomination paper was canceled. Clause (b) of Sub Section 2 of Section 36 of the Act. 1951 which is relevant to deal this issue in hand reads as under:

**“36. Scrutiny of nomination—**

- (1) .....XXX.....XXX.....

- (2) (a) .....XXX.....XXX.....

(b) that there has been a failure to comply with any of the provisions of section 33 or section 34; or

- (c) .....XXX.....XXX.....

10. Reading of clause (b) of sub section 2 of Section 36 of the Act, 1951 allows the rejection of the nomination paper in case there is a failure to comply with any of the provisions of section 33 or section 34. In the instant case, the petitioner's nomination was canceled for the reason that he could not cure the defect to bring one elector who subscribed the nomination papers of petitioner. Out of ten proposers one was not a voter/elector of the same constituency. Consequently, the nomination papers were rejected. Therefore, the question arise whether the petitioner has a locus standi to maintain this petition, as he was not a duly nominated candidate under the provisions of the Act, 1951 and the Constitution of India. As per the pleading of the petitioner, the petitioner though was given time to cure the defect to bring one proposer who was not a voter out of ten proposers the defect could no be cured within time given. Therefore, it would show there has been a willful defiance to cure the defect on the part of petitioner to come within the ambit of candidate.
11. Section 33 of the Act, 1951 provides for presentation of nomination paper and requirements of a valid nomination. Section 33(1) provides for the date and time of submitting the nomination paper. The proviso to Section 33(1) requires the nomination paper to be subscribed by ten proposers, if the candidate is not set up by a recognized political party. Consequently, primarily the presentation of the petition apparently does not qualify to be either a candidate in the election or the elector as required under Section 81 of the Act, 1951. Admittedly, the petitioner was not an elector of the same constituency, which has been admitted in reply to the application under Order 7 Rule 11 of the CPC wherein the petitioner categorically admits that he is not the voter of the Constituency No. 48 of Raipur Rural of Legislative Assembly of Chhattisgarh. Only on bare reading of the pleading of the petition without requirement of any evidence, the basic defect as to the qualification clause as required under Section 81 of the Act, 1951 holds the sway in favour of return candidate.
12. As per the law laid down in Pathula Rama Rao v. Pendyala Venkata Krishna Rao & Ors. reported in AIR 2007 SC 2924 wherein the proviso clause of sub-section(1) of Section 33 has been interpreted by their Lordship, it has been held that a candidate who is not set up by a recognized political party shall not be deemed to be duly nominated unless his nomination paper is subscribed by ten proposers who are electors of the same constituency. It has been further held the use of words 'set up' by a recognized party in the said proviso shows that a positive act was required with reference to the candidate. The Supreme Court further held if the nomination of candidate had been rejected for non-compliance with the first proviso to sub-section (1) of Section 33. that is, the candidate's nomination not being subscribed by ten voters as proposers. then the election petitioner who set out a plea that the nonomination was improperly rejected then the election petition should contain averments to the effect that the nomination was subscribed by ten proposers who were electors of the same constituency and therefore, the nomination was valid. In absence of such averments, it cannot be said that the election petition contains a material facts to make out a cause of action.
13. In the instant election petition though the petitioner has alleged that the nomination of the return candidate was improperly accepted. the same could be gone into only when the petitioner himself qualifies to maintain the election petition under Section 81 of the Act of 1951. For sake of brevity Section 81 of the Act of 1951 is reproduced hereunder :—

“81. **Presentation of petitions.—**

- (1) An election petition calling in question any election may be presented on one or more of the grounds specified in sub-section (1) of section 100 and section 101 to the High Court by any candidate at such election or any elector within forty-five days from, but not earlier than the date of election of the returned candidate or if there are more than one returned candidate at the election and dates of their election are different, the later of those two dates.

**Explanation—** In this sub-section, “elector” means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.

- (3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

14. In the case relied on by the petitioner i.e. Madiraju Venkata Ramana Raju v. Peddireddigari Ramachandra Reddy & Others reported in (2018) 14 SCC 1, wherein their Lordship has held there is difference between improper acceptance of nomination of a returned candidate and improper acceptance of any other candidate, but in order to alleged those facts the person who challenges the election petition should qualify all the requirements of Section 81 of the Act, 1951.
15. The petitioner has not contended in this petition that his nomination was improperly rejected and has pleaded that the nomination was improperly accepted that of the return candidate. In order to prove those facts the election petitioner at first should have the locus standi. The petitioner has to himself qualify the requirement of Section 81 of the Act, 1951 to maintain the petition. Therefore, the ratio laid down in (2018) 14 SCC 1 cannot be applied in favour of the petitioner.
16. In view of the aforesaid discussion, prima facie, on the basis of the pleading of the petition, It is found that the petitioner has no. locus standi to maintain this petition. The petitioner is neither the elector or duly nominated candidate in terms of first proviso of sub-section 1 of Section 33 read with clause (b) of sub-section 2 of Section 36 of the Act, 1951. Therefore, in absence of material facts, necessarily to make out a cause of action under Section 100 read with Section 81 of the Act, 1951, the petition sans merit. Accordingly, in a necessary fall out of the aforesaid discussion, the application under Order 7 Rule 11 of C.P.C. is allowed. The election petition is dismissed.

Sd/-  
GOUTAM BHADURI  
JUDGE

आदेश से,

हस्ता./-  
( नरेन्द्र ना. बुटोलिया )  
वरिष्ठ प्रधान सचिव,  
भारत निर्वाचन आयोग.



## High Court of Chhattisgarh

15/07/2020 12:22:33 PM

Case Detail	
Case No. : EP/4/2019	Case Status : Disposed
CNR Number : CGHC0140023702019	Date of Decision : 10/01/2020
Filing Date : 17/01/2019	Registration Date : 11/02/2019
Under Act(s) :	Under Section(s) :
Petitioner Detail	Respondent Detail
GOUTAM BUDDHA AGRAWAL. Occupation - Civil Court Stamp Vendor, Raipur, R/o Purani Basti, Baniya Para, Raipur, Tahsil And District Raipur Chhattisgarh.. District : Raipur. CHHATTISGARH	SATYANARAYAN SHARMA R/o Anand Niketan, Avanti Vihar, Raipur, District Raipur Chhattisgarh. (INDIAN NATIONAL CONGRESS CANDIDATE), District : Raipur, CHHATTISGARH
Petitioner Additional Party	Respondent Additional Party
	2-Nand Kumar Sahu @ Nande Bhaiyya 3-Dr. Omprakash Dewangan 4-Narendra Kumar Baghel 5-Pitamber Jangde 6-Dr. Sanket Thakur 7-Gendral Dadsena 8-Chandrakant Bhai Solanki 9-Sandeep Yadu 10-Baldev Prakash Dwiwedi 11-Budharu Ram Banjare @ B.R. Banjare 12-Motiram Verma 13-Banmali Chhura 14-Fulraj Verma 15-Krishna Murari Yadav 16-Satyanarayan Sonwani 17-Lakshmuram Tandan 18-Rajendra Kumar Sahu 19-Mohd. Usman Sheikh 20-Mohd. Aumngzeb 21-Mangalchand Ghritluhre 22-Smt. Shamim Khan 23-(Deleted) The Secretary 24-(Deleted) The Chief Election Office Bearer, 25-(Deleted) The Returning Officer
Petitioner Advocate	Respondent Advocate
LAVKUSH KUMAR SAHU, VINOD KUMAR TEKAM, SANJEEV KUMAR SAHU, MAHENDRA K. SAHU.	A.G., RAJEEV SHRIVASTAVA, PRATEEK KUMAR SINGH, SHAILENDRA SHUKLA, AJAY LAKRA, ARJIT TIWARI, PRIYANKESH CHANDRAKAR, ASHWIN PANICKAR, MALAY SHRIVASTAVA, VIKRAM SHARMA, ABHIYUNNATI SINGH, MANEESH SHARMA.
FIR Detail	Lower Court Detail

<b>CASE PROCEEDING HISTORY</b>			
<b>Bench</b>	<b>Date of Proceeding</b>	<b>Purpose</b>	<b>Action</b>
Hon'ble Shri Justice Goutam Bhaduri	10/01/2020	MOTION HEARING MATTERS	RESERVED FOR ORDER/JUDGEMENT
Hon'ble Shri Justice Goutam Bhaduri	26/11/2019	MOTION HEARING MATTERS	ADJOURNED WITH PRIORITY OF LISTING
Hon'ble Shri Justice Goutam Bhaduri	25/11/2019	MOTION HEARING MATTERS	ADJOURNED WITH PRIORITY OF LISTING
Hon'ble Shri Justice Goutam Bhaduri	07/11/2019	MOTION HEARING MATTERS	ISSUE NOTICE
Hon'ble Shri Justice Goutam Bhaduri	04/09/2019	MOTION HEARING MATTERS	ISSUE NOTICE
Hon'ble Shri Justice Goutam Bhaduri	10/01/2020	MOTION HEARING MATTERS	ISSUE NOTICE
Hon'ble Shri Justice Goutam Bhaduri	22/04/2019	MOTION HEARING MATTERS	ADJOURNED WITH PRIORITY OF LISTING
Hon'ble Shri Justice Goutam Bhaduri	15/03/2019	FOR ORDERS(ON OFFICE NOTES)	ADJOURNED WITH PRIORITY OF LISTING
Hon'ble Shri Justice Goutam Bhaduri	07/03/2019	FRESH MATTERS	ADJOURNED
Hon'ble Shri Justice Goutam Bhaduri	15/02/2019	FRESH MATTERS	

**ELECTION COMMISSION OF INDIA**  
Nirvachan Sadan, Ashoka Road, New Delhi-110001

New Delhi, dated 14th December, 2020—23 Agrahayana, 1942 (Saka)

No. 82/CG-LA/(04/2019)/2020.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publish Order dated the 10th, January 2020 of the High Court of Chhattisgarh, Bilaspur, in Election Petition No. 04 of 2019.

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Election Petition No. 4 of 2019**  
(Judgment delivered on 10-01-2020)

Goutam Buddha Agrawal, S/o. Late Shri Ram Krishna Agrawal, Aged About 70 Years, Occupation-Civil Court Stamp Vendor, Raipur, R/o. Purani Basti, Baniya Para, Raipur, Tahsil And District Raipur Chhattisgarh.

-----Petitioner

**VERSUS**

1. Satyanarayan Sharma. S/o. Late Shri Jagdish Prasad Sharma, Aged About 75 years, R/o. Anand Niketan, Avanti Vihar Raipur, District Raipur Chhattisgarh. (Indian Nationalcongress Candidate)

2. Nand Kumar Sahu@ Nande Bhaiyya, S/o. Late Shri Manglu Sahu, Aged About 59 Years. R/o. Village Boriyakala, Post Sejbahar, District Raipur Chhattisgarh. (Bhartiya Janta Party Candidate)
3. Dr. Omprakash Dewangan, R/o. In Front Of Adwani School, Birgaon, Raipur, District Raipur Chhattisgarh Pin 49221. (Janata Congress Chhattisgarh (J) Candidate)
4. Narendra Kumar Baghel, S/o. Shri Chaitram Baghel, Aged About 37 Years. R/o. House No. 99, Village Bhatgaon Post Mana Basti, Raipur Chhattisgarh. (Independent Candidate)
5. Pitamber Jangde, S/o Shri Khorbahra, Aged About 42 Years, R/o. Etwari Bazar Chowk Birgaon, District Raipur Chhattisgarh. (Independent Candidate)
6. Dr. Sanket Thakur, S/o. Late Shri Vishvendra Thakur, Aged About 54 Years, R/o. House No. B-32, Shriram Vihar, Purena, District Raipur Chhattisgarh. (Aam Admi Party (Aap) Candidate)
7. Gendlal Dadsena, Aged About 50 Years, R/o. House No. 1061/28, Sector-1, In Front Of Extension P-27 Avanti Vihar, Raipur Chhattisgarh. (Independent Candidate)
8. Chandrakant Bhai Solanki, S/o Late Shri Rama Bhai Solanki, Aged About 51 Years R/o. K-21, Steel City, Avanti Vihar, Raipur Chhattisgarh. Pin 492006. (Independent)
9. Sandeep Yadu, R/o. Village And Police Station Mujgahan, Raipur, District Raipur Chhattisgarh. (Independent Candidate)
10. Baldev Prakash Dwiwedi, S/o Shri Tara Prasad Dwivedi, Aged About 36 Years, R/o. Bharkapara, Tatibandh, Raipur, Tahsil and District Raipur Chhattisgarh. (Independent Candidate)
11. Budharu Ram Banjare @ B. R. Banjare, S/o Shri Dhanauram Banjare, Aged About 66 Years, R/o. T-56, Sector-5, Extension, Avanti Vihar, Telibandha, Raipur, Tahsil And District Raipur Chhattisgarh. (Independent Candidate)
12. Motiram Verma, S/o. Shri Bhishma Lal, Aged About 54 Years, R/o. Ward No. 10 Banjari Nagar, Birgaon, District Raipur Chhattisgarh. (Independent Candidate)
13. Banmali Chhura, S/o Shri Chitaru Chhura, Aged About 36 Years, R/o. House No. 668, Village Purena, Tahsil And District Raipur Chhattisgarh. (Bhartiya Bahujan Party Candidate)
14. Fulraj Verma. S/o. Shri Bhadu Verma, Aged About 42 Years, R/o. House No. 183/K, Ward No. 5, Village Kalkasa, Tahsil Dongargarh, District Rajnandgaon Chhattisgarh. (Bhartiya Bahujan Congress Candidate).
15. Krishna Murari Yadav, S/o. Shri Horilal Yadav. Aged About 44 Years. R/o. Tillu Chowk, Purani Basti, Near Sub Post Office Raipur Chhattisgarh. (Independent Candidate)
16. Satyanarayan Sonwani, S/o, Shri Aghar Das, Aged about 72 Years, Harinbhata, Post Bansa, Police Station And Tahsil Simga, District Balaudabazar-Bhatapara Chhattisgarh. (Independent Candidate)
17. Lakhmuram Tandan, S/o. Shri Panchram Tandan, Aged About 43 Years, R/o. Dr. Ambedkar Ward, Kondagaon, District Kondagaon. (Rashtriya Jansabha Party Candidate)
18. Rajendra Kumar Sahu, S/o Late Shri Kuleshwar Sahu, Aged About 50 Years, R/o. Vaman Rao Lakhe, Ward No. 64, Near malasay Talab, Piyush Nagar, Kushalpur, Tahsil And Distrit Raipur Chhattisgarh. (Independent Candidate)
19. Mohd. Usman Sheikh, S/o Mohd. Israeel, Aged About 55 Years, R/o. Jogi Nagar, Tarun Bazar Behind Dr. Narada Sahu, (Mathpuraina), Raipur, District Raipur Chhattisgarh. (Independent Candidate)
20. Mohd. Aurangzeb, S/o Haider Ali, Aged About 31 Years, R/o. Gazinagar, Near Toran Kirana Store Birrgaon, Raipur, District Raipur Chhattisgarh. (Independent Candidate)

21. Mangalchand Ghritlahre, S/o Shri Thukuram Ghritlahre, Aged About 55 Years, R/o. Mana Camp, Raipur, District Raipur Chhattisgarh. (Republic Party Of India (A) Candidate)
22. Smt. Shamim Khan, W/o. Abdul Riyaz Khan, Aged About 42 Years, R/o. Ward No. 04, Bazar Chowk, Bhanpuri, Raipur Chhattisgarh. 492008. (Bhartiya Lokmat Rashtrawadi Party Candidate)
23. (Deleted) As Per Court Order Dated 25-02-2019 & 07-03-2019.
24. (Deleted) As Per Court Order Dated 25-02-2019 & 07-03-2019.
25. (Deleted) As per Court Order Dated 25-02-2019 & 07-03-2019.

-----Respondents

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For Petitioner	:	Mr. Lavkush Kumar Sahu, Advocate
For Respondent No. 1	:	Dr. N. K. Shukla, Sr. Advocate with Mr. Manish Sharma & Mr. Priyankesh Chandrakar, Advocate.

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**Hon'ble Shri Justice Goutam Bhaduri**

**C.A.V. Judgment**

**10-01-2020**

1. This order will govern the disposal of the application filed under Order 7 Rule 11 CPC seeking dismissal of the election petition filed by the respondent/returned candidate.
2. As per the pleading made, on 02-11-2018, the petitioner submitted nomination form before the Returning Officer for the Legislative Assembly Constituency No. 48 Raipur Rural. The pleading further is that after perusal of the documents submitted by the petitioner the returning officer intimated the petitioner that one of the proposer of the petitioner is not the voter of the assembly constituency and directed the petitioner to remove the defect within a stipulated time. The petitioner Could not remove the said deficiency, in a result, the returning officer rejected the nomination form for want of proper number of proposer. It is pleaded that the return candidate/respondent No. 1 Satya Narayan Sharma was a candidate of Indian National Congress submitted his nomination form on 31-10-2018. On 03-11-2018 the scrutiny of the nomination form was made and certain objections were raised by the petitioner about wrong discloser of certain averments in the nomination form by the return candidate however those objections were eventually rejected. It is contended by the petitioner that while rejecting the nomination form of the petitioner, the returning officer was hand in gloves with respondent No. 1/the return candidate. Therefore, undue favour was made to the return candidate. by accepting his nomination form. It is admitted fact that the respondent No. 1 was declared as returned candidate of Raipur Rural. The petitioner contended that the election of the returned candidate cannot be said to be a valid and legal election for the reason that his nomination papers were wrongly accepted. therefore, the same is sought to be canceled. The prayer is made that the acceptance of the nomination paper filed by respondent No. 1 was improper and illegal, therefore, consequently, the election would be void.
3. After notice an application has been filed by returned candidate under Order 7 Rule 11 CPC. The primary objection is made that the petitioner is not the voter of constituency number 48 of Raipur Rural. It is further contended that the nomination paper of petitioner was rejected during the scrutiny. therefore, he cannot be deemed to be the candidate in the election in a result he has no locus standi to file the election petition. It is further stated in application under Order 7 Rule 11 of CPC that the nomination papers were filed by the petitioner knowing full well that one of his proposer is not the voter of constituency and when the returning officer had asked to rectify the same. the same was deliberately not done and therefore. the nomination papers were rejected for the reason that very filing of nomination paper by the petitioner was erroneous at it's inception. It is further stated by the respondent since the petitioner himself did not remove the defect despite time given to him, the petitioner cannot maintain the election petition for want of locus standi. It is further submitted that the objection raised by the petitioner as against the nomination papers of the respondent/returned candidate, no substantial grounds were raised which requires any adjudication and predominantly/election petition is not tenable for want of locus standi of the petitioner.

4. Learned counsel for the respondent No. 1 would submit that Section 81 of the Representation of peoples Act, 1951 (for short 'the Act, 1951') the election petition is maintainable by a candidate or an elector, the petitioner is neither was a candidate as his nomination papers were rejected at the threshold and despite being asked to cure this defect the petitioner did not do it. Referring to Section 33 of the Act, 1951, it is stated that the petitioner was not set up by a recognized political party, therefore, the nomination papers were required to be subscribed by 10 proposers being the electors of the said constituency. Since one of the electors of the proposer was not of the constituency and the nomination having been rejected on the same ground, the petitioner cannot said to have the locus standi to maintain the election petition. Referring to Section 36 of the Act, 1951, counsel would submit that during the scrutiny of the nomination the defect of subscribe by 10 electors to the nomination papers of the petitioner was found and one elector since was not an elector, therefore, the returning officer in exercise of Section 36(2) (b) of the Act, 1951 has rejected the nomination papers. It is submitted that the petitioner has challenged the acceptance of nomination papers of returned candidate but has not challenged the rejection of his nomination papers, therefore, he has no locus standi. Further reliance is placed to the case of AIR 2007 SC 2924 & AIR 2011 SC 2634 and it is submitted that no pleading has been made that the returning officer has wrongly rejected the nomination paper of the petitioner, therefore, the petitioner has no cause of action to maintain the petition.
5. Per contra, learned counsel for the petitioner would place his reliance in the case of 2018 (14) SCC 1 and would submit that the acceptance of the nomination paper is wrong and it would be deemed to have materially affected the election results and the election petition has to be read as a whole. Consequently, the application under Order 7 Rule 11 CPC is liable to be dismissed.
6. Heard learned counsel for the parties, perused the pleadings made in the petition.
7. The averments of the petition are that the petitioner filed his nomination papers as an independent candidate. Section 33 of the Act, 1951 governs the presentation of nomination paper and requirements for a valid nomination. The initial three proviso, which are relevant to the case along with Section 33 are reproduced herein.

**“[33. Presentation of nomination paper and requirements for a valid nomination :—**

- (1) On or before the date appointed under clause (a) of section 30 each candidate shall, either in person or by his proposer, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon deliver to the returning officer at the place specified in this behalf in the notice issued under section 31 a nomination paper completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer :

Provided that a candidate not set up by a recognised political party, shall not be deemed to be duly nominated for election from a constituency unless the nomination paper is subscribed by ten proposers being electors of the constituency:

Provided further that no nomination paper shall be delivered to the returning officer on a day which is a public holiday:

Provided also that in the case of a local authorities constituency, graduates constituency or teachers constituency, the reference to “an elector of the constituency as proposer” shall be construed as a reference to ten percent of the electors of the constituency or ten such electors, whichever is less, as proposers.]”

8. Since, the petitioner pleaded that he was an independent candidate. therefore, as per the requirement of first proviso to Section 33 of the Act, 1951, the nomination paper was required to be subscribed by ten proposers being electors of the constituency. The word ‘elector’ has been defined under sub-section (e) of Section 2 of the Act, 1951, which reads as under:

“2(e) “elector” in relation to a constituency means a person whose name is entered in the electoral roll of that constituency for the time being in force and who is not subject to any of the disqualification mentioned in section 16 of the Representation of the People Act, 1950 (43 of 1950)”

9. It is the case of the petitioner that his nomination paper was rejected on the ground that one of the proposer was not elector/voter of the Assembly constituency No. 48. Since the petitioner could not remove the said defect within the time prescribed, his nomination paper was canceled. Clause (b) of Sub Section 2 of Section 36 of the Act, 1951 which is relevant to deal this issue in hand reads as under:

“36. **Scrutiny of nomination—**

(1) .....XXX.....XXX.....

(2) (a) .....XXX.....XXX.....

(b) that there has been a failure to comply with any of the provisions of section 33 or section 34; or

(c) .....XXX.....XXX.....

10. Reading of clause (b) of sub section 2 of Section 36 of the Act, 1951 allows the rejection of the nomination paper in case there is a failure to comply with any of the provisions of section 33 or section 34. In the instant case, the petitioner's nomination was canceled for the reason that he could not cure the defect to bring one elector who subscribed the nomination papers of petitioner. Out of ten proposers one was not a voter/elector of the same constituency. Consequently, the nomination papers were rejected. Therefore, the question arise whether the petitioner has a locus standi to maintain this petition, as he was not a duly nominated candidate under the provisions of the Act, 1951 and the Constitution of India. As per the pleading of the petitioner, the petitioner though was given time to cure the defect to bring one proposer who was not a voter out of ten proposers the defect could no be cured within time given. Therefore, it would show there has been a willful defiance to cure the defect on the part of petitioner to come within the ambit of candidate.
11. Section 33 of the Act, 1951 provides for presentation of nomination paper and requirements of a valid nomination. Section 33(1) provides for the date and time of submitting the nomination paper. The proviso to Section 33(1) requires the nomination paper to be subscribed by ten proposers, if the candidate is not set up by a recognized political party. Consequently, primarily the presentation of the petition apparently does not qualify to be either a candidate in the election or the elector as required under Section 81 of the Act, 1951. Admittedly, the petitioner was not an elector of the same constituency, which has been admitted in reply to the application under Order 7 Rule 11 of the CPC wherein the petitioner categorically admits that he is not the voter of the Constituency No. 48 of Raipur Rural of Legislative Assembly of Chhattisgarh. Only on bare reading of the pleading of the petition without requirement of any evidence, the basic defect as to the qualification clause as required under Section 81 of the Act, 1951 holds the sway in favour of return candidate.
12. As per the law laid down in Pathula Rama Rao v. Pendyala Venkata Krishna Rao & Ors. reported in AIR 2007 SC 2924 wherein the proviso clause of sub-section(1) of Section 33 has been interpreted by their Lordship, it has been held that a candidate who is not set up by a recognized political party shall not be deemed to be duly nominated unless his nomination paper is subscribed by ten proposers who are electors of the same constituency. It has been further held the use of words 'set up' by a recognized party in the said proviso shows that a positive act was required with reference to the candidate. The Supreme Court further held if the nomination of candidate had been rejected for non-compliance with the first proviso to sub-section (1) of Section 33. that is, the candidate's nomination not being subscribed by ten voters as proposers. then the election petitioner who set out a plea that the nonination was improperly rejected then the election petition should contain averments to the effect that the nomination was subscribed by ten proposers who were electors of the same constituency and therefore, the nomination was valid. In absence of such averments, it cannot be said that the election petition contains a material facts to make out a cause of action.
13. In the instant election petition though the petitioner has alleged that the nomination of the return candidate was improperly accepted. the same could be gone into only when the petitioner himself qualifies to maintain the election petition under Section 81 of the Act of 1951. For sake of brevity Section 81 of the Act of 1951 is reproduced hereunder :—

“81. **Presentation of petitions.—**

(1) An election petition calling in question any election may be presented on one or more of the grounds specified in sub-section (1) of section 100 and section 101 to the High Court

by any candidate at such election or any elector within forty-five days from, but not earlier than the date of election of the returned candidate or if there are more than one returned candidate at the election and dates of their election are different, the later of those two dates.

**Explanation—** In this sub-section, “elector” means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.

- (3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.
14. In the case relied on by the petitioner i.e. Madiraju Venkata Ramana Raju v. Peddireddigari Ramachandra Reddy & Others reported in (2018) 14 SCC 1, wherein their Lordship has held there is difference between improper acceptance of nomination of a returned candidate and improper acceptance of any other candidate, but in order to alleged those facts the person who challenges the election petition should qualify all the requirements of Section 81 of the Act, 1951.
15. The petitioner has not contended in this petition that his nomination was improperly rejected and has pleaded that the nomination was improperly accepted that of the return candidate. In order to prove those facts the election petitioner at first should have the locus standi. The petitioner has to himself qualify the requirement of Section 81 of the Act, 1951 to maintain the petition. Therefore, the ratio laid down in (2018) 14 SCC 1 cannot be applied in favour of the petitioner.
16. In view of the aforesaid discussion, prima facie, on the basis of the pleading of the petition, It is found that the petitioner has no. locus standi to maintain this petition. The petitioner is neither the elector or duly nominated candidate in terms of first proviso of sub-section 1 of Section 33 read with clause (b) of sub-section 2 of Section 36 of the Act, 1951. Therefore, in absence of material facts, necessarily to make out a cause of action under Section 100 read with Section 81 of the Act, 1951, the petition sans merit. Accordingly, in a necessary fall out of the aforesaid discussion, the application under Order 7 Rule 11 of C.P.C. is allowed. The election petition is dismissed.

Sd/-  
GOUTAM BHADURI  
JUDGE

By order,  
  
Sd/-  
(NARENDRA N. BUTOLIA)  
Senior Principal Secretary,  
Election Commission of India.

## High Court of Chhattisgarh

15/07/2020 12:22:33 PM

Case Detail	
Case No. : EP/4/2019	Case Status : Disposed
CNR Number : CGHC010023702019	Date of Decision : 10/01/2020
Filing Date : 17/01/2019	Registration Date : 11/02/2019
Under Act(s) :	Under Section(s) :
Petitioner Detail	Respondent Detail
GOUTAM BUDDHA AGRAWAL. Occupation - Civil Court Stamp Vendor, Raipur, R/o Purani Basti, Baniya Para, Raipur, Tahsil And District Raipur Chhattisgarh.. District : Raipur, CHHATTISGARH	SATYANARAYAN SHARMA R/o Anand Niketan, Avanti Vihar, Raipur, District Raipur Chhattisgarh. (INDIAN NATIONAL CONGRESS CANDIDATE), District : Raipur, CHHATTISGARH
Petitioner Additional Party	Respondent Additional Party
	2-Nand Kumar Sahu @ Nande Bhaiyya 3-Dr. Omprakash Dewangan 4-Narendra Kumar Baghel 5-Pitamber Jangde 6-Dr. Sanket Thakur 7-Gendal Dadsena 8-Chandrakant Bhai Solanki 9-Sandeep Yadu 10-Baldev Prakash Dviwedi 11-Budharu Ram Banjare @ B.R. Banjare 12-Motiram Verma 13-Banmali Chhura 14-Fulraj Verma 15-Krishna Murari Yadav 16-Satyanarayan Sonwani 17-Lakhmuram Tandan 18-Rajendra Kumar Sahu 19-Mohd. Usman Sheikh 20-Mohd. Aurangzeb 21-Mangalchand Ghritlahre 22-Smt. Shamim Khan 23-(Deleted) The Secretary 24-(Deleted) The Chief Election Office Bearer, 25-(Deleted) The Returning Officer
Petitioner Advocate	Respondent Advocate
LAVKUSH KUMAR SAHU, VINOD KUMAR TEKAM, SANJEEV KUMAR SAHU, MAHENDRA K. SAHU,	A.G., RAJEEV SHRIVASTAVA, PRATEEK KUMAR SINGH, SHAILENDRA SHUKLA, AJAY LAKRA, ARJIT TIWARI, PRIYANKESH CHANDRAKAR, ASHWIN PANICKAR, MALAY SHRIVASTAVA, VIKRAM SHARMA, ABHYUNNATI SINGH, MANEESH SHARMA.
FIR Detail	Lower Court Detail



<b>CASE PROCEEDING HISTORY</b>			
<b>Bench</b>	<b>Date of Proceeding</b>	<b>Purpose</b>	<b>Action</b>
Hon'ble Shri Justice Goutam Bhaduri	10/01/2020	MOTION HEARING MATTERS	RESERVED FOR ORDER/JUDGEMENT
Hon'ble Shri Justice Goutam Bhaduri	26/11/2019	MOTION HEARING MATTERS	ADJOURNED WITH PRIORITY OF LISTING
Hon'ble Shri Justice Goutam Bhaduri	25/11/2019	MOTION HEARING MATTERS	ADJOURNED WITH PRIORITY OF LISTING
Hon'ble Shri Justice Goutam Bhaduri	07/11/2019	MOTION HEARING MATTERS	ISSUE NOTICE
Hon'ble Shri Justice Goutam Bhaduri	04/09/2019	MOTION HEARING MATTERS	ISSUE NOTICE
Hon'ble Shri Justice Goutam Bhaduri	10/01/2020	MOTION HEARING MATTERS	ISSUE NOTICE
Hon'ble Shri Justice Goutam Bhaduri	22/04/2019	MOTION HEARING MATTERS	ADJOURNED WITH PRIORITY OF LISTING
Hon'ble Shri Justice Goutam Bhaduri	15/03/2019	FOR ORDERS(ON OFFICE NOTES)	ADJOURNED WITH PRIORITY OF LISTING
Hon'ble Shri Justice Goutam Bhaduri	07/03/2019	FRESH MATTERS	ADJOURNED
Hon'ble Shri Justice Goutam Bhaduri	15/02/2019	FRESH MATTERS	